

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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L.S., An Infant by his Parent and Natural  
Guardian, ANA OLIVEIRA and ANA  
OLIVEIRA individually,

Plaintiffs,

v.

UNITED STATES,

Defendant.

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PHILIP M. HALPERN, United States District Judge:

In light of the recently filed letters concerning eliciting testimony of the infant-plaintiff (Docs. 156, 157, 159), the Court directs the parties to file supplemental briefing.

By July 30, 2021, the parties shall file briefs limited to ten double-spaced pages with specific citation to relevant authority. As resolution of the issue is a matter of New York state law (Fed. R. Evid. 601), the parties shall confine their briefing to such state law and Second Circuit caselaw applying such state law. The briefs should outline the burden of proof to be applied to this particular fact pattern, including the infant-plaintiff's giving unsworn testimony or other "appearance." (Doc. 159).

SO ORDERED:

Dated: White Plains, New York  
July 9, 2021



Philip M. Halpern  
United States District Judge

**ORDER**

16-cv-08763 (PMH)